

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11283 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ANIL RANCHHODJI PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 11283 of 2002
MR KM PARIKH for Petitioner No. 1
MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 28/11/2002

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for
respondent No.1 waives service of rule. With the consent

of parties matter is taken up for final hearing today.

2. The contention raised by the petitioner is that the passport is already issued. However, the birth-date initially in the passport is recorded as 17-6-1942 whereas the correct birth-date is 17-12-1942. It has also been contended on behalf of the petitioner that there is change in the name to be carried out in the passport. The petitioner submits that an application is made to the Passport Officer, however, the authorities have declined to consider the same in the absence of any order passed by this court.

3. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

4. Mr.Parikh for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the passport already issued or to issue fresh passport. He further submits that if the Hon'ble Court is not inclined to consider the request for correction of the name in the passport, liberty may be reserved to the petitioner to undertake necessary formalities for the purpose of change of the name and thereafter the petitioner may approach before the Passport Authority for such purpose.

5. In view of the above, the respondent No.1 is directed to consider the case of the petitioner for change in birth-date from 17-6-1942 to 17-12-1942 in the passport of the petitioner bearing No.E2229158 and to pass appropriate orders in accordance with law. The respondent authorities shall take decision within a period of four weeks from the date of receipt of writ of this court. However, the petitioner shall pay costs of Rs.2,500/- to the respondent authorities since the passport authorities can not be saddled with the costs of litigation. However, it is clarified that so far as the change of the name is concerned, it will be for the petitioner to undertake the process for notification in the newspaper or in the gazette as the case may be and after such formalities are completed as required under the law and if the proper documentary proof is produced for such purpose, the pass-port authority may consider the case of the petitioner for change of the name in the pass-port only thereafter.

6. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

28-11-2002 (Jayant Patel, J.)

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